

I, Timothy Roberts, being first duly sworn, do hereby depose and state as follows:

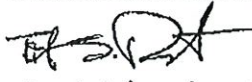
1. I have been a Special Agent with the Federal Bureau of Investigation (hereinafter the "FBI") since 2016. I am a graduate of the FBI Training Academy in Quantico, Virginia, where I received training in violent crime investigations, white-collar crime, cyber-crime, crimes against children, interviewing, interrogation, evidence collection, intelligence analysis, and legal matters, among other topics. I am currently assigned to the Beckley, West Virginia Resident Agency of the Pittsburgh Division. Prior to my current assignment, I was assigned to the New York Field Office of the FBI where I was assigned to international terrorism investigations. Prior to my employment with the FBI, I was a police officer from 2008 to 2016. I have experience investigating terrorism matters, violent crimes, and child exploitation offenses, as well as other violations of federal law.
2. The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, law enforcement officers, and witnesses. This Affidavit is intended to show that there is sufficient probable cause for the requested complaint and does not set forth all my knowledge about this investigation.
3. On December 12, 2023, at approximately 8:07 PM, McDowell County, West Virginia Sheriff's Deputy DALTON MARTIN received a notification from employees at the Federal Correctional Institution (FCI) McDowell that an Unmanned Aerial System (hereinafter, "UAS"), commonly known as a drone, had flown into the institution. Staff at the prison were able to provide Dep. MARTIN with geographic coordinates for where the UAS was launched from as well as the type of UAS being flown, a DJI Inspire 2. Those coordinates, 37°27'46.8"N 81°33'07.3"W, resolve to the top of a road just outside of FCI McDowell which is less than one (1) mile from the Pocahontas Motel in Welch, West Virginia.

4. Dep. MARTIN contacted other members of the McDowell County Sheriff's Office for support. Sheriff MUNCY, McDowell County Sheriff's Office, responded to the Pocahontas Motel, which is in the area of the geographic coordinates provided by employee's at FCI McDowell. The owner of the motel informed Sheriff MUNCY that there were two individuals staying in room 12, that their vehicle had California license plates, and that they had been flying a drone while at the motel. Search warrants were obtained for Room 12 of the Pocahontas Motel and the vehicle belonging to MARTINEZ and SANTOS. During the search of the motel room, two (2) UASs, one of which was a DJI Inspire 2, measuring scales, a plastic sealing machine, spray paint, spray adhesive, a roll of plastic, fishing line and multiple prepared packages were found. The packages were camouflaged with fake grass and when opened, they contained a leafy brown substance believed to be tobacco, cell phones, chargers, and pre-paid phone minutes cards.
5. On February 07, 2024, JUAN MARIANO DOMINGUEZ SANTOS was interviewed by the Affiant, and Special Agent KARSHENAS, Homeland Security Investigations. SANTOS was Mirandized and stated that he was in the United States without documentation. He had come to the U.S. from Mexico for work and had met JOSE ENRIQUE MEDRANO MARTINEZ while living in California. SANTOS has a vehicle and MARTINEZ asked him for a ride to West Virginia so that he could take a job in the area. MARTINEZ offered to pay all of the trip expenses and SANTOS agreed.
6. The two traveled from California to West Virginia and arrived on December 10, 2024. Upon arrival, MARTINEZ began operating a drone that SANTOS thought was for recreational purposes. MARTINEZ would go to the convenience store as many as three (3) times per day, buying tobacco and cell phones that he claimed were for his family in Mexico.

SANTOS claimed that he did not see MARTINEZ fly the drones with any of the packages attached.

7. The presence of numerous cell phones, chargers, sealing machine, rolls of plastic spray glue and camouflage material are instrumentalities consistent with the act of introducing contraband into FCI McDowell which is close in proximity to the hotel the defendant's occupied. Additionally, the drones detected and seized from defendants were being operated without proper licensure as provided by federal law over FCI McDowell, a federal prison facility.

Further the Affiant sayeth naught.


Special Agent, FBI
7/8/24

Sworn to before me this 8th day of July, 2024.


Omar J. Aboulhosn
United States Magistrate Judge

